



State of Utah
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March 15, 1999

TO: File

THRU: Joe Helfrich, Permit Supervisor *Joh*

FROM: Paul Baker, Reclamation Biologist *PAB*

RE: Revised Right of Entry Information, Andalex Resources, Inc., Wildcat Loadout, ACT/007/033-AM99B, Folder #2, Carbon County, Utah

SUMMARY:

Andalex has proposed to update its right of entry information for the Wildcat Loadout by adding legal descriptions that are apparently a part of BLM Right of Way U-48027. The information in the application does not match the legal description in the right of way included in the current plan. There is one small area for which neither the plan nor the application gives right of entry information. Also, the pagination for the page submitted for this application does not match the current plan.

TECHNICAL ANALYSIS:

ADMINISTRATIVE INFORMATION

RIGHT OF ENTRY

Regulatory Reference: R645-301-114

Analysis:

The applicant has proposed to update the text of the plan to, apparently, match the legal description for BLM Right of Way U-48027. For the most part, the legal description in the application matches the information shown on Plate 16 in the current operation and reclamation plan; however, it does not match the information shown on the right of way included in Appendix B of the current plan. The information in the plan is probably out of date; the right of way has probably been modified since the plan was last updated. If this is the case, the applicant

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needs to include copies of the revisions to the right of way or describe the revisions to this right of way, including dates of execution.

The areas where the legal description in the application does not match the legal description in the right of way (as amended) in the current plan are:

W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$

E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

A 500 by 500 foot parcel whose southeast corner is 990 feet east of the center of Section 33

Portions of:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$

SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$

NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$

NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

These are all in Section 33, Township 13 South, Range 9 East. It does not appear any of the disturbed area is in the 500 by 500 foot parcel.

Neither the BLM right of way in the plan nor the proposed revision to the right of entry section gives right of entry information for the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Plate 16 shows the entry road being on BLM Right of Way U-52065. This right of way was canceled August 4, 1983, and included in Right of Way U-48027. The plate should be updated.

There is a letter from Beaver Creek Coal in Appendix B giving permission for the applicant to use an area east of Beaver Creek's fence to the railroad right of way and south of the new gate. The text of the plan references this letter, but nothing on the maps shows where it is. Assuming this area is part of the permit area, a map in the plan needs to show the boundaries of this area.

The current plan has the legal description on page 10, but the revised page is page 11. Also, the wording on the revised page would not match wording on previous and subsequent pages in the current plan. This needs to be corrected before the amendment is approved.

Findings:

Information provided in the proposal is not considered adequate to meet the requirements of this section of the regulations. Prior to final approval, the applicant must supply the following in accordance with:

R645-301-114, The legal description in the application does not match the legal description in the right of way in Appendix B of the current operation and reclamation plan. It is assumed the plan needs to be updated with amendments to the right of way. In addition, neither the plan nor the amendment shows right of entry information for the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 13 South, Range 9 East.

R645-301-521.132, Appendix B contains a letter from Beaver Creek Coal allowing the applicant to use part of its leased area. Assuming this area is within the permit area, the application needs to show where it is on a map.

R645-301-120, Pagination of the amendment does not match the current plan, and this needs to be corrected.

RECOMMENDATIONS:

The deficiencies discussed in this memorandum need to be corrected before the amendment is approved.